

FILED

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA )

v. )

ANDREW O'NEAL LOWERY )

CR. NO. 2:08 CR 52-MHT  
[18 USC § 922(g)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about the 13<sup>th</sup> day of December, 2007, in Greenville, Alabama, within the Middle District of Alabama,

ANDREW O'NEAL LOWERY,

defendant herein, having been convicted on or about the 21<sup>st</sup> day of November, 1997, of Robbery Third Degree, in the Circuit Court of Butler County, Alabama, case number CC-97-88, a felony for which he was sentenced to serve 15 years in the penitentiary concurrent with CC 95-24 and CC 95-25, thereafter possessed, in and affecting commerce, a Savage Arms, Model 187J, .22 caliber rifle, in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION

- A. Count 1 of this indictment is hereby repeated and incorporated herein by reference.
- B. Upon conviction for the violation alleged in Count 1 of this indictment, the defendant,

ANDREW O'NEAL LOWERY,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

One Savage Arms, Model 187J, .22 caliber rifle.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without

difficulty, the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an Order of this Court forfeiting any other property of said defendant up to the value of the property described in the above paragraphs.

A TRUE BILL:

Mari A. Gelling  
Foreperson

Leura G. Canary  
LEURA G. CANARY  
United States Attorney

Kent Brunson  
Kent B. Brunson  
Assistant United States Attorney